

Guardianship Program Rules

512 Board Review

512.1 Transcript of the Hearing: The Board shall prepare the transcript of the evidentiary hearing held before the Hearing Officer and shall mail a copy to each party.

512.2 Statement in Opposition and Rebuttal: Any statement in opposition to the decision of the Hearing Officer, alleging errors of fact, law, or any other pertinent matter shall be filed within twenty (20) days from receipt of the hearing transcript. Said statement shall be filed with the Board and served on each party. Each party shall have ten (10) days from the date of mailing of a statement in opposition of any party to file a rebuttal to said statement. Receipt of any mailed materials shall be deemed complete three days after the postmarked date on the materials.

512.3 Board Review: The Board shall review the Hearing Officer's findings of fact, conclusions of law and recommendations. In addition, the Board shall review any statements in support or opposition to such findings, conclusions, and recommendation, and any portion of the record deemed necessary to resolve the matter.

512.4 Board Action

512.4.1 Board Decision: The Board shall adopt, modify or reverse the findings, conclusions, and recommendation of the Hearing Officer by written decision, a copy of which shall be served upon the parties.

512.4.2 Dissent: If any Board member or members dissent from the findings, conclusions, and recommendation of the majority, the member or members shall state in writing the reasons for the dissent. Dissents shall be made a part of the record.

512.4.3 Retention of Records: The record of any disciplinary proceeding shall be retained in accordance with records retention schedules for the judicial branch and the AOC.

512.4.4 Disposition Requiring Supreme Court Action: If the Board's recommendation is that the professional guardian be decertified or suspended, that recommendation, along with the record, shall be transmitted to the Supreme Court.

512.4.5 Disqualification: The Hearing Officer and all Board members who served on the SOPC are disqualified from participating in the Board's review of the Hearing Officer's decision and from participating in the Board's vote on the matter.

512.4.6 Quorum: A quorum for determination of the Board's decision on review of the Hearing Officer's decision shall consist of a majority of the Board members who are not disqualified as above.

512.4.7 Information to Grievant: The Board shall advise the grievant in all cases of the final disposition of the grievance.